

1                   **SENATE CONCURRENT RESOLUTION NO. 51**

2                   (By Senators Hall and Browning)

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6 Requesting the Joint Committee on Government and Finance to study  
7       all existing agency rules through a cost-benefit analysis for  
8       the purpose of evaluating the regulatory burden on business  
9       and industry in the State of West Virginia.

10       Whereas, West Virginia has consistently been considered one of  
11 the more difficult states for businesses to thrive for various  
12 reasons; and

13       Whereas, One of the key reasons this state has been  
14 consistently rated as a difficult jurisdiction for businesses is  
15 because the state's regulatory environment is rated as one of the  
16 most burdensome in the country for businesses; and

17       Whereas, This burdensome regulatory environment has had a  
18 significant negative impact on economic development and growth in  
19 this state; and

20       Whereas, If meaningful action is not taken to address this  
21 regulatory burden, it is likely the state's economic development  
22 and growth will continue to be impeded; and

23       Whereas, There must be a quality control procedure implemented  
24 that will provide for an evaluation of the regulatory burden on

1 business and industry; and

2       Whereas, The burdensome rules must be repealed or modified in  
3 order to improve this state's business climate and economic health;  
4 therefore, be it

5       *Resolved by the Legislature of West Virginia:*

6       That the Joint Committee on Government and Finance is  
7 requested to study all existing agency rules through a cost-benefit  
8 analysis for the purpose of evaluating the regulatory burden on  
9 business and industry in the State of West Virginia; and, be it

10       *Further Resolved*, That the Joint Committee on Government and  
11 Finance is hereby requested, in partnership with West Virginia  
12 University and Marshall University, to evaluate the regulatory  
13 burden on businesses and industries in the State of West Virginia  
14 by performing a cost-benefit analysis of all existing agency rules  
15 over a three-year period; and, be it

16       *Further Resolved*, That the evaluation of existing rules  
17 through a cost-benefit analysis will include, but not be limited  
18 to, an identification of the agency rules that: (A) Impede private-  
19 sector job creation; (B) discourage innovation and entrepreneurial  
20 activity; (C) hurt economic growth and investment; (D) harm West  
21 Virginia's national and global competitiveness; (E) limit access to  
22 credit and capital; (F) fail to utilize or apply accurate cost-  
23 benefit analyses; (G) create additional economic uncertainty; (H)  
24 are promulgated in such a way as to limit transparency and the

1 opportunity for public comment, particularly by affected parties;  
2 (I) lack specific statutory authorization; (J) undermine labor-  
3 management relations; (K) result in large-scale unfunded mandates  
4 on employers without due cause; and (L) impose undue paperwork and  
5 cost burdens on small businesses; and, be it

6       *Further Resolved*, That a report detailing the analysis and  
7 findings in impact statements be prepared by West Virginia  
8 University and Marshall University; and, be it

9       *Further Resolved*, That the Joint Committee on Government and  
10 Finance provide oversight to West Virginia University and Marshall  
11 University as the universities evaluate existing rules and that the  
12 oversight role consist of overseeing all efforts performed by West  
13 Virginia University and Marshall University in the performance of  
14 the cost-benefit analysis and a review of the universities' final  
15 report detailing its findings for each agency rule; and, be it

16       *Further Resolved*, That the Joint Committee on Government and  
17 Finance, after making any modifications and adopting the  
18 universities' final report, as modified, provide a copy of the  
19 report to the Legislature within four years of the adoption of this  
20 resolution together with drafts of legislation necessary to  
21 effectuate the recommendations of the final report; and, be it

22       *Further Resolved*, That the Joint Committee on Government and  
23 Finance, as it deliberates on draft legislation, specifically  
24 consider proposing legislation that would set a five-year

1 moratorium on the adoption of new agency rules and modification of  
2 existing rules; and, be it

3       *Further Resolved*, That the Joint Committee on Government and  
4 Finance, as it deliberates on draft legislation, specifically  
5 consider the feasibility and efficacy of establishing a board,  
6 appointed by the Governor, without compensation and with use of  
7 existing facilities and staff of the Department of Administration,  
8 that would make recommendations to the Governor regarding the  
9 termination or modification of agency rules based on the cost-  
10 benefit analysis and in response to petitions received from  
11 business and industry to terminate or modify an agency rule; and,  
12 be it

13       *Further Resolved*, That the Joint Committee on Government and  
14 Finance, as it deliberates on draft legislation, consider the  
15 feasibility and efficacy of imposing a seven-year sunset provision  
16 on state rules promulgated after the above described moratorium has  
17 expired and further consider the feasibility and efficacy of  
18 requiring all new or modified agency rules to undergo a cost-  
19 benefit analysis conducted by West Virginia University and Marshall  
20 University, with oversight by the Joint Committee on Government and  
21 Finance, prior to promulgation; and, be it

22       *Further Resolved*, That the expenses necessary to conduct this  
23 study, to prepare reports and draft necessary legislation be paid  
24 from legislative appropriations to the Joint Committee on

1 Government and Finance.